

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Epstein *et al.*
SERIAL NO. : 10/638,426
FILED : August 12, 2003
FOR : DEVICES AND METHODS FOR DIRECT DELIVERY
OF A THERAPEUTIC USING NON-NEWTONIAN
FLUIDS
GROUP ART UNIT : 3763
EXAMINER : C. RODRIGUEZ

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

In response to the Election of Species Requirement of June 8, 2006, for which a response is due on or before July 8, 2006 (without any extensions of time), Applicants hereby elect, with traverse, species (d), upon which claims 1, 2, 5, 9, 19, and 21 are readable.

In the Election of Species Requirement, the Examiner states that the species have a different effect. However, all of the identified species result in an increase in the shear rate or shear stress of a non-Newtonian fluid and therefore should be examined together. At the least, species d-1 should be examined together because all can be used with a shear-thinning fluid to decrease the viscosity of the fluid (see e.g., paragraph 15, 20 and 24).

Further, claims 1 and 19 are generic.